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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/445,423
Applicants: Kazuo HATA et al
Filing Date: December 10, 1999
For: CERAMIC SHEET AND METHOD OF
PRODUCING CERAMIC SHEET
Group Art Unit: 1774
Examiner: L. Ferguson

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$-0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO.: 2839-0072-0 PCT



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Kazuo HATA, et al. : GROUP ART UNIT: 1774

SERIAL NO.: 09/445,423 : EXAMINER: L. FERGUSON

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SIR:

Responsive to the Official Action dated March 23, 2001, Applicants elect, with traverse, Group I, Claims 1-4 and 9-10, for further prosecution.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-4 and 9-10, drawn to an article in the form of a ceramic sheet; and

Group II: Claims 5-8, drawn to a method of making a ceramic sheet.

Applicants elect, with traverse, Group I, Claims 1-4 and 9-10, for further prosecution.

The Examiner, citing PCT Rule 13.1, contends that Groups I-II do not relate to a single general inventive concept. Specifically, the Office argues that the application lacks unity of invention.

The Applicants respectfully traverse the Restriction Requirement on the ground that unity of invention does exist between Groups I-II because there is a technical relationship

that involves the same special technical feature. It is this technical feature that defines the contribution which each of the Groups, taken as a whole, makes over the prior art.

Applicants further traverse the Restriction Requirement on the ground that the Office has failed to follow MPEP guidelines for making a lack of unity of invention requirement between restricted Groups. MPEP §1893.03(d) states:

“When making a lack of unity of invention requirement, the Examiner must (1) list different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.”

The Examiner has not explained why each group lacks unity with each other group and has not specifically described the unique special technical features in each group to justify the conclusion of a lack of unity of invention. Accordingly, Applicants respectfully submit that the present Restriction Requirement is improper, and that the Restriction Requirement be withdrawn.

Moreover, the MPEP in §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. In fact, the International Searching Authority has searched all of the claims together.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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